

## **SEC. 801. REQUIREMENT FOR CERTIFICATION BEFORE MAJOR DEFENSE ACQUISITION PROGRAM MAY PROCEED TO MILESTONE B.**

(a) Certification Requirement- Chapter 139 of title 10, United States Code, is amended by inserting after section 2366 the following new section:

### **` Sec. 2366a. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval**

` (a) Certification- A major defense acquisition program may not receive Milestone B approval, or Key Decision Point B approval in the case of a space program, until the milestone decision authority certifies that--

` (1) the technology in the program has been demonstrated in a relevant environment;

` (2) the program demonstrates a high likelihood of accomplishing its intended mission;

` (3) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

` (4) the Department of Defense has completed an analysis of alternatives with respect to the program;

` (5) the program is affordable when considering the ability of the Department of Defense to accomplish the program's mission using alternative systems;

` (6) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program; and

` (7) the program complies with all relevant policies, regulations, and directives of the Department of Defense.

` (b) Submission to Congress- The certification required under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of this title after completion of the certification.

` (c) Waiver for National Security- The milestone decision authority may waive the applicability to a major defense acquisition program of one or more components (as specified in paragraph (1), (2), (3), (4), (5), or (6) of subsection (a)) of the certification requirement if the milestone decision authority determines that, but for such a waiver, the Department would be unable to meet critical national security objectives. Whenever the milestone decision authority makes such a determination and authorizes such a waiver, the waiver, the determination, and the reasons for the determination

shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized.

` (d) Nondelegation- The milestone decision authority may not delegate the certification requirement under subsection (a) or the authority to waive any component of such requirement under subsection (c).

` (e) Definitions- In this section:

` (1) The term `major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

` (2) The term `milestone decision authority', with respect to a major defense acquisition program, means the individual within the Department of Defense designated with overall responsibility for the program.

` (3) The term `Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.

` (4) The term `Key Decision Point B' means the official program initiation of a National Security Space program of the Department of Defense, which triggers a formal review to determine maturity of technology and the program's readiness to begin the preliminary system design.'.

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366 the following new item:

` 2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.'.